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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,000	10/15/2003	Hisham Khatabil	NOKM.066PA	4883
7590	02/09/2006		EXAMINER	
Hollingsworth & Funk, LLC Suite 125 8009 34th Avenue South Minneapolis, MN 55425				NGUYEN, BRIAN D
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/686,000	KHARTABIL ET AL.	
	Examiner	Art Unit	
	Brian D. Nguyen	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 November 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4, 6-29 and 31-35 is/are rejected.
- 7) Claim(s) 5 and 30 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 October 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6-29, and 31-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Roach (2002/0037723).

Regarding claims 1-3, 7, 35, Roach discloses a method for routing communication requests targeted for a user over a network comprising a network entity (serving CI in figure 3) subscribing to presence information of the user (see, for example, figure 2 where the servicing CI accessing HSS for user information); receiving a state of the presence information (see Home Subscriber Server (HSS) that contains Location Server (LS) and Profile Database (PDB) in figures 2-5) of the user and creating routing instruction for routing communication requests (see figure 3; paragraphs 0166, 0167, & 0214).

Regarding claim 4, Roach discloses creating routing script based on the presence information (see paragraphs 0166 and 0319).

Regarding claim 6, Roach discloses receiving one or more notification at the subscribing network entity indicating a change of state of the presence information (see paragraphs 0022-0038 where the presence information can be changed (updated) and paragraphs 0166-0167 where

the CI host receives notifications including initial and change of state of the presence information).

Regarding claim 8, Roach discloses registering (see figure 3 and paragraph 0213).

Regarding claim 9, Roach discloses publishing the presence information of the user (see, for example, figure 2 and paragraphs 0142-0167).

Regarding claim 10, Roach discloses publishing the presence information via a presence application server (Home Subscriber Server (HSS)) (see, for example, figure 2 and paragraphs 0142-0167).

Regarding claim 11, Roach discloses subscribing the network entity to the presence information of the user comprises subscribing the network entity to the presence information at the presence application server (see, for example, figure 2 and paragraphs 0142-0167).

Regarding claim 12, Roach discloses receiving a notification at the subscribing network entity from application server indicating a state of the presence information of the user (see, for example, figure 2 and paragraphs 0142-0167).

Regarding claims 13-14, Roach discloses the network includes IP multimedia core network (IMS) and S-CSCF, and the use of Session Initiation Protocol (SIP) (see paragraph 0101).

Regarding claims 15-25, claims 15-25 are method claims that have substantially the same limitations as method claims 1-14. Therefore, they are subject to the same rejection. Claim 15, for example, is a combination of claims 1, 2, 4, and 13. Claims 16 and 17 describe identifying one or more attributes; Roach discloses more than one attribute, for example: a caller identity, a caller domain, and a communication request type (SIP message type).

Regarding claims 26-29, claims 26-29 are apparatus claims that have substantially the same limitation as method claims 1, 2, 4, and 13. Therefore, they are subject to the same rejection.

Regarding claims 31-34, claims 31-34 are system claims comprise a user equipment (mobile station); a presence server (HSS); a S-CSCF (serving CI) that perform functions described in claims 1-3, 9, and 13. Therefore, they are subject to the same rejection.

Allowable Subject Matter

3. Claims 5 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments filed 11/14/05 have been fully considered but they are not persuasive.

The applicant argued that Roach fails to teach using user presence information to create routing instructions or routing scripts and that the service profile described by Roach is different than user presence information. This argument is not persuasive because the applicant does not specifically claim what information is included in the user presence information. The claims do not claim the presence information relates to time, location, and/or situation where users are, or are not, willing or able to accept incoming communications as argued by the applicant. In addition, Roach clearly teach users can register and change their location by informing the server

of his current location (See, for example, paragraphs 0022-0038). Note that location server (LS) will provide location information.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

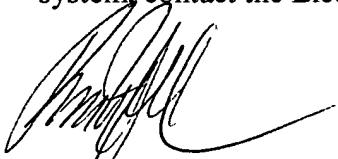
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D. Nguyen whose telephone number is (571) 272-3084. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



2/4/06

**BRIAN NGUYEN
PRIMARY EXAMINER**